

REMARKS

Claims 1-28 and 30-44 are pending. Claim 29 is cancelled.

I. Amendments

N.M. The claims have been amended to replace the term "web" with the term "film". It is respectfully submitted the term web is apparently a film as seen from the description at page 1, line 25-32, which discuss the forming and applying of the web. *N.M.* The introductory paragraph of the specification has been amended to state the terms web and film are interchangeable. Applicant appreciates the Examiner's suggestion to change the term "web" to "layer". Page 1 lines 25/26 of the WIPO publication refer to "a plastic web as a coating layer". The term "coating layer" is thus a possible alternative to web. However, it is respectfully submitted that the term "film" will make it easier for a reader to distinguish between the film of polyester before it is coated on the metal substrate and the layer of this polyester after the film is applied to the metal substrate.

New Claim 38 recites an applying step. This is supported by the use of the term "applied" at page 5, line 12.

Claims 30-42 are supported at page 1, lines 25-32.

Claims 43-44 are supported at page 7, lines 12-19.

It is respectfully submitted that no new matter is presented by the above amendments.

II. Claim rejections – 35 USC 112

Why is "web" in spec? The Office action has objected to the term 'web' as being indefinite as it usually refers to a lacey/woven material. It is respectfully submitted the term web has meanings beyond that of a woven material. The word web was used as a translation of the Dutch word "baan" as used in the two priority documents. A printout of a dictionary definition of the word "baan" is enclosed (ATTACHMENT I). The meaning intended in the present case is that of number 6 i.e. strip, length or width in the sense of "a length of polyester".

As stated above, the term "film" replaced the claim term "web".

III. Claim rejections – 35 USC 102

A. Dallmann (US 4,746,703)

The Office action asserts Dallmann (US 4,746,703) anticipates claims 1-7. The film in Dallmann is particularly used for magnetic tapes (see e.g., col. 2, lines 15-20) and is deliberately made with an uneven surface (see e.g., col. 1, lines 6-9). Dallmann makes no mention of the film being suitable for coating a metal substrate or gives any hint that it could be.

Claim 1 of the present application also recites the plastic web (film) be produced by extruding a mixture of crystallisable and non-crystallisable polymer. In col. 4, line 4, Dallmann mentions the film can be manufactured from mixtures of various polyesters. In col. 4, line 10 Dallmann goes on to mention examples of polyesters that can be used include PET. The Office action asserts the polyesters disclosed in Dallmann are "made from the applicants' reagents". It is respectfully submitted this is not the case. In the description of the present invention, PET having a very low CHDM (1,4-cyclohexanedimethanol) content is given as an example of crystallisable polyester while PET having a high CHDM content is given as an example of non-crystallisable PET. Although Dallmann discloses that the film may be made from mixtures of various polyesters including PET and poly-1,4-cyclohexylene dimethyl terephthalate there is no mention in Dallmann of whether the polyesters used to make the film are crystallisable or not, or of any advantage that could be obtained if a mixture of a crystallisable polyester and a non-crystallisable polyester was used.

Dallmann thus does not anticipate the claims of the present invention.

B. Goss et al (EP 0 437 942)

Claims 1-14 are rejected by the Office action as being anticipated by Goss et al (EP 0 437 942). Goss relates to a "self-supporting polyester film" where self-supporting means a "self-supporting structure capable of independent existence in the absence of a supporting base" (see page 2 lines 16-24). As the Office action states "Goss teaches polyester films that are laminated to other polymer films (page 3, lines 44+)". However, there is no disclosure of using the polymeric film of Goss for coating a metal substrate or any hint given that it could be. Indeed the description of the film as self-supporting directly teaches away from using the film to coat a metal substrate.

New Claim 38 further distinguishes from Goss by reciting applying the film to the metal substrate.

Goss discloses the film is made from a blend comprising a major amount of at least one

linear polyester and a minor amount of at least one aromatic copolyesterether. Goss then lists on page 2, lines 30-39, an extensive selection of reagents suitable for obtaining suitable linear polyesters. Goss then goes on to list examples of reagents that could be used to make suitable copolyesterethers, which comprise an aromatic polyester block and a polyether block.

Goss discloses a large number of possible permutations of different linear polyesters and aromatic copolyesterethers. One of the permutations is condensing terephthalic acid, ethylene glycol and 1,4-cyclohexane dimethanol to form the linear polyester and the aromatic polyester block component of the copolyesterether. In the description of the present invention PET having a very low CHDM (1,4-cyclohexanedimethanol) content is given as an example of crystallisable polyester while PET having a high CHDM content is given as an example of non-crystallisable PET. There is however no mention in Goss as to whether the polyester and copolyesterether, used in the film, are crystallisable or not. There is also no mention of any advantage that could be obtained if a mixture of, e.g., a crystallisable polyester and a non-crystallisable polyesterether was used.

Thus, neither Dallmann or Goss anticipate claim 1 of the present invention (or dependent claims 2-14) as they do not disclose a process comprising producing a plastic web (film) for coating a metal substrate and neither do they disclose producing the plastic web (film) by extruding a mixture of crystallisable and non-crystallisable polyester.

Claims 8-14 further distinguish over these references by reciting specific weight percent ranges.

There is also no hint or teaching in Goss or Dallmann to make such a process obvious to the skilled person.

IV. Claim rejections – 35 USC 103

A. Goss and Woud (WO98/37159)

Claims 1-22 and 33-34 are objected to as being obvious in view of Goss and Woud (WO98/37159).

Woud relates to an interior coating material for container closures but teaches the application by roller of a paste made up of various components (see, e.g., the whole of page 9 and examples 1-3). Woud thus does not relate to the production of polymer films but rather to the application by roller of a polymer containing paste to a metal substrate.

Meanwhile, Goss relates to the formation of a self-supporting linear polyester film for use in applications such as magnetic recording media. It would defeat the purpose of Woud to replace its paste with a film. Thus, it would not be obvious to the person skilled in the art to combine the teachings of Goss and Woud, nor is there any indication that would lead towards such a combination due to the unworkability of the results, e.g., a self-supporting paste or roller coating a self-supporting polyester film onto a metal substrate.

B. Schmoock (DE 36510379 abstract), Woud and Goss

Claims 23-32 and 35-37 are rejected as being obvious in view of Schmoock (DE 36510379 abstract), Woud and Goss. As has been argued above it would not be at all obvious to the skilled person to combine the teachings of Woud and Goss and nor would such a combination result in anything approaching the present invention.


However, for the sake of completeness applicant points out that, contrary to the Office action's assertion, Schmoock does not teach the production of easy open packaging using foils made of, e.g., PVC or polyester and a metal layer but instead teaches a plastic layer made of, e.g., polyester or PVC which is coated with lacquer in certain areas before a metal layer is applied to the plastic layer. The metal layer adheres poorly to the lacquered areas and can thus be easily removed by mechanical means from these areas leaving a pattern of metal corresponding to the lacquer free areas. There is no disclosure in Schmoock of easy open packaging and, as the Office action's rejection of claims 23-32 and 35-37 seem to have been based on this proposition, applicant submits the rejection is overcome.

V. Conclusion

In view of the above it is respectfully submitted that all objections and rejections are overcome. Hence, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Date: July 21, 2023

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ATTACHMENT I

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Van Dale Lexicografie bv
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baan de

1 betrekking

job

context

iemand aan een goede baan helpen

find / get someone a good job

een baan bij de overheid

a government job

gemakkelijk / goedbetaald baan(tje)

easy / well-paying job, soft job

(informeel) cushy number

een halve baan hebben

work half-time

geen baan(tje) hebben

be out of a job / jobless

zijn baan opgeven

give up one's job, (informeel) chuck in one's job

vaste baan

steady job

een vaste baan hebben

have a permanent / steady / nine-to-five job, (informeel) have a nine-to-five

van baan veranderen

change one's job

een vet baantje

a cosy / fat job

een baan zoeken

look for a job, be job-hunting

2 aangelegde weg

(ook figuurlijk) **path**

rijstrook **lane**

context

baan breken

(figuurlijk) break new ground, be a pioneer, blaze a trail, forge ahead

(figuurlijk) iets in goede banen leiden

steer something in the right direction, put something on the right road / lines

(figuurlijk) iemands gedachten / het gesprek in een bepaalde baan / in nieuwe banen leiden

lead / send / direct someone's thoughts / the conversation in a particular / another direction

(figuurlijk) iets op de lange baan schuiven

shelve something, postpone something indefinitely, put something on a back burner

nieuwe banen openen voor ...

open up new paths / avenues for ...

ruim baan geven

give a clear field (for)

ruim / vrij baan maken

(ook figuurlijk) make way / clear a path / clear the way / stand aside (for)

(figuurlijk) dat is van de baan

that's off

(figuurlijk) ik wilde het van de baan hebben

I wanted (to get) it over (and done) with

(figuurlijk) Plannen Nieuw Zwembad van de Baan

New pool plans dropped, New pool sunk

3 strook op sneeuw / ijs

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path

context

een gladde baan
a smooth path
een baantje trekken
do a lap (on the track), skate a lap
een baan vegen
sweep a path clear, clear a path

4 (sport en spel)

renbaan, wielervedbaan **track**

(tennis) **court**

ijs **rink**

wedstrijdschaatsen **speed skating track**

ski **run, piste**

(golf) **course**

afgebakend deel **lane**

context

starten in baan drie
start in lane three
wedstrijden op de lange / korte baan
long- / short-distance races
op de baan komen
appear
een snelle / trage baan
a fast / slow court / rink / ...
een baantje trekken / zwemmen
do / swim a length / a few lengths

5 route van een voortbewegend lichaam

path

trajectory

(ruimtevaart ook) **orbit**

context

een baan om de aarde beschrijven / maken
orbit the earth
in een baan naar de aarde
on an earthward course
in een baan om de aarde komen / brengen
enter / send into earth orbit / orbit around the earth
uit zijn baan gaan / halen
go / bring out of orbit

6 strook stof / behang

length, width

strip

vlag **bar**

context

de vloerbedekking werd in drie banen van elk twee meter gelegd
the flooring was laid in three two-metre widths / strips

7 (luchtvaart)

runway

klein landing strip

8 (techniek)

path

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